

STATE OF NEW YORK: COUNTY OF WESTCHESTER
CITY COURT OF YONKERS
100 SOUTH BROADWAY
YONKERS, NEW YORK 10701

SMALL CLAIMS SUMMONS
TEL - 914-377-6378
INDEX: SC-2007-8313

DEFENDANT:

CONSOLIDATED EDISON COMPANY OF
NEW YORK, INC.
511 THEODORE FREMD AVENUE
RYE, NY 10580

PLAINTIFF: JOSEPH LABICK

49 AMACKASSIN TERRACE
YONKERS, NY 10703

TAKE NOTICE the above plaintiff(s) seeks judgment in this Court against you for \$1327.44 together with costs, upon the following claim:

BREACH OF CONTRACT - 9/10/06

THERE WILL BE A HEARING before this Court upon this claim on October 1, 2007 at 01:00 PM in the Small Claims Part 5, held at the above address.

YOU MUST APPEAR and present your defense and any Counterclaim you may desire to assert at the Hearing at the time and place set forth above (a corporation must be represented by an attorney or any authorized officer, director or employee). IF YOU DO NOT APPEAR, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT, EVEN THOUGH YOU MAY HAVE A VALID DEFENSE. If your defense or Counterclaim, if any, is supported by witnesses, account books, receipts, or other documents, you must produce them at the Hearing. The Clerk, if requested, will issue subpoenas for witnesses, without fee. IF YOU ADMIT THE CLAIM, BUT DESIRE TIME TO PAY, YOU MUST APPEAR PERSONALLY ON THE DAY SET FOR THE HEARING AND STATE TO THE COURT YOUR REASONS FOR DESIRING TIME TO PAY.

DATED: June 28, 2007

Mars - [Signature]

, Clerk

IF YOU DESIRE A JURY TRIAL, you must before the day upon which you have been notified to appear, file with the Clerk of the Court a written demand for a trial by jury. You must also pay to the Clerk a jury fee of \$70.00 and file an undertaking in the sum of \$50.00 or deposit such sum in cash to secure payment of any costs that may be awarded against you. You will also be required to make an affidavit specifying the issues of fact you desire to have tried by a jury, stating that such trial is desired and demanded in good faith. Under the law, the Court may award \$25.00 additional costs to the plaintiff(s) if a jury trial is demanded by you and a decision is rendered against you.

** NOTE ** THE Court does not encourage adjournments. Only the Judge may grant an adjournment. If request. All requests MUST be in writing with notice to the other party and for good cause. If you do not receive notice of a new date you or someone on your behalf MUST appear in Court to explain to the Judge why you cannot be ready for trial.

A defendant if he wishes to file a counterclaim shall do so by filing with the clerk a statement containing such counterclaim within 5 days of receiving the notice of claim. At the time of such filing the defendant shall pay to the clerk a filing fee of \$5.41 which is required pursuant to this subdivision. The clerk shall forthwith send notice of the counterclaim by ordinary first class mail to the claimant. If the defendant fails to file the counterclaim in accordance with the provisions of this subdivision, the defendant retains the right to file the counterclaim, HOWEVER the claimant may, but shall not be required to, request and obtain an adjournment to a later date. The claimant may reply to the counterclaim, but shall not be required to do so.

!!!BRING THIS NOTICE WITH YOU AT ALL TIMES!!!

*** A COPY OF THE BOOKLET, "A GUIDE TO SMALL CLAIMS PART",
IS AVAILABLE AT ANY CITY COURT.